IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 18048 of 2005

Between:

1. M. Nageswara Rao and 11 others

.... PETITIONERS

AND

1. The Executive Officer, Sree Veerabhadra Swamy Temple

and Rupenaguntla Village, Nakarikallu Mandal,

Guntur District,
2. The Assistant Commissioner, Endowments Department,

Guntur, Guntur District,
3. The Deputy Commissioner of Endowments, Naz Centre,

Opposite to Gunta Ground, Guntur, Guntur District,

.....RESPONDENTS

The Court made the following:

ORDER:

For declaring the action of the first respondent in issuing the auction notice, dated 20.07.2005 for conducting auction to the lands belonging to Sree Neelakanteswara Swamy Temple, measuring an extent of Ac.22.01 cents situated in Survey No.272 and the lands belonging to Sree Veerabhadra Swamy

Temple, measuring an extent of Ac.11.96 cents situated in Survey No.84/1, 3A, 3C, Rupenaguntla village, Nakarikallu Mandal, Guntur District, to be held on 17.08.2005, as arbitrary and illegal, the present writ petition has been filed.

The main grievance of the petitioners is that even though they are cultivating the land in question as landless poor persons declared by the second respondent, the first respondent issued auction notice dated 20.07.2005 to be held on 17.08.2005, which is contrary to law.

Admittedly, the petitioners 1 to 3, 5 to 9 and 11 were declared as landless poor persons, and therefore, they have to continue as tenants, provided if they agreed to pay at least 2/3rd of market rent for similarly placed lands as lease amount.

The learned standing counsel for the first respondent contended that the Maktha for the last 3 or 4 years have not been paid by the petitioners. That aspect has to be decided by the first respondent only.

Having regard to the facts and circumstances of the case and in view of the fact that since the petitioners 1 to 3, 5 to 9 and 11 are declared as landless poor persons, I deem it appropriate to direct the respondents to continue the petitioners 1 to 3, 5 to 9 and 11 as tenants to the land in question and the petitioners 1 to 3, 5 to 9 and 11 are directed to pay at least 2/3rd of market rent for similarly placed lands as lease amount and arrears of Maktha for the previous years, within a period of four (4) months from the date of receipt of this order. For any reason, if the petitioners 1 to 3, 5 to 9 and 11 failed to pay the arrears of Maktha within the stipulated period as ordered above, the respondents shall take necessary action in accordance with law.

In so far as the other petitioners are concerned, they are not entitled for the same relief in view of the fact that they have not been declared as landless poor persons so far.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(K.C. BHANU, J)

Date: 29.08.2005

Ksn